



**Michigan Poverty Law Program - Testimony of Rebecca E. Shiemke  
Regarding House Bills 5698-5703 – “Marriage Preservation”  
March 15, 2006**

My comments here are on behalf of the Michigan Advocacy Project. The Michigan Advocacy Project (MAP) is a joint project between the Michigan League for Human Services (MLHS) and the Michigan Poverty Law Program (MPLP). MAP advocates on behalf of the state's low-income population on issues in the areas of low-income housing, family law, consumer protections, and issues affecting the elderly. I am the family law attorney for MPLP.

HB 5698 would require parties to a divorce to complete a divorce effects program and a questionnaire prior to entry of a divorce judgment and permits a finding of contempt for failure to comply. While MAP does not object to parties voluntarily seeking out information regarding the effects of divorce, we must oppose this bill, which mandates attendance at such a program. The program seems designed to coerce parties into not proceeding with a divorce when under Michigan's current no-fault divorce law a party has a right to end a marriage. Further, the contents of the program include every possible divorce-related issue except domestic violence and its effect on parents and children. Give the epidemic nature of domestic and family violence in this country, this is an inexcusable oversight. The bill also requires the parties to complete a questionnaire, which asks for private, personal and arguably privileged information from each party without describing the purpose or use of the questionnaire. Providing the completed questionnaires to the court but not the parties raises due process issues and making them

available to law enforcement or prosecutors raises self-incrimination issues. Finally, the use of contempt as a remedy for non-compliance is inappropriate.

HB 5699 would require parties to complete a premarital education program or wait additional time for issuance of a marriage license. The bill would also require the marriage license to indicate whether or not the parties completed the program. MAP supports the concept of requiring some form of premarital education, but has some concerns with this bill. First, Similar to HB 5698, the premarital education program does not include education on issues of domestic and family violence. Second, the check-off box is unnecessary. If parties choose not to attend the consequence is a longer waiting period. The check-off box is unnecessary. Finally, although the bill permits providers of the programs to accommodate low income parties, there is no requirement for reduced or no fees for individuals unable to pay. This clearly places limits on the choices available to low income individuals.

HB 5700 would provide a tax credit for the cost of the premarital education program. MAP does not oppose such a proposal, however, this is of little or no value to low income tax filers.

HB 5701 would require divorcing parents to submit a parenting plan proposal to the court and prohibits any hearing on issues related to the children before such a plan is submitted. While MAP supports the concept of parents voluntarily working out a parenting plan, we must oppose this bill. First, the bill makes parenting plans mandatory, not voluntary. Second, the bill does not provide for any emergency hearing on issues relating to children, including threatened detentions or abductions, until a parenting plan is submitted. Third, the bill mandates mediation except in certain limited circumstances, requires courts to provide other alternative dispute

options and permits sanctions for a party's failure to use such alternatives. Again, these alternatives often require payment of fees that many low income individuals cannot afford.

MAP takes no position on HB 5702, which addresses advertising and public awareness campaigns in the context of marriage and family therapy.

MAP opposes HB 5703 for the same reasons set forth in response to HB 5699.

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